

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD**

PRICE RITE SUPERMARKET

and

Case 34-CA-092127

**UNITED FOOD & COMMERCIAL
WORKERS UNION, LOCAL 371**

ORDER

The petition to revoke subpoena duces tecum B-712694 filed by Price Rite Supermarket is denied. The subpoena seeks information relevant to the matters under investigation and describes with sufficient particularity the evidence sought, as required by Section 11(1) of the Act and Section 102.31(b) of the Board's Rules and Regulations. Further, the Petitioner has failed to establish any other legal basis for revoking the subpoena.¹ See generally *NLRB v. North Bay Plumbing, Inc.* 102 F.3d 1005 (9th Cir. 1996); *NLRB v. Carolina Food Processors, Inc.*, 81 F.3d 507 (4th Cir. 1996).

Dated, Washington, D.C., April 8, 2013.

MARK GASTON PEARCE, CHAIRMAN

RICHARD F. GRIFFIN, JR., MEMBER

SHARON BLOCK, MEMBER

¹ In evaluating the subpoena, we have viewed it as modified by the Region's agreement to accept a copy of the requested personnel file without I-9 forms, tax documents, or medical records. Further, to the extent that the Petitioner has provided some of the requested material, the Petitioner is not required to produce that information again, provided that the Employer accurately describes which documents under subpoena it has already provided, states whether those previously-supplied documents constitute all of the requested documents, and provides all of the information that was subpoenaed.